

JUL - 6 2018

TONY R. MOORE, CLERK
BY: MB
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

JORGE TORRES-RODRIGUEZ
REG. # 16092-069

:

DOCKET NO. 17-cv-1215
SECTION P

VERSUS

:

JUDGE DRELL

CALVIN JOHNSON

:

MAGISTRATE JUDGE KAY

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after an independent review of the record, and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law, the court concludes that the Magistrate Judge's Report and Recommendation is correct and adopts the findings and conclusions therein as its own.

The court further notes that Plaintiff has asserted arguments that were not asserted in his original petition for writ of *habeas corpus* as a basis for the relief he is seeking. This court will not consider these as a basis for relief in this proceeding.¹

Accordingly, **IT IS ORDERED** that this petition for writ of habeas corpus be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

THUS DONE AND SIGNED in Chambers this 5th day of July,
2018.


JUDGE DRELL
UNITED STATES DISTRICT JUDGE

¹ Plaintiff argues that because his sentence was not based on an specific quantity of heroin and cocaine, he was improperly sentenced under the sentencing guidelines of § 1B1.3 for violations of § 841(b)(1)(A).